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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,308

01/05/2005

Dieter Grunau

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08/21/2006

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, KHAI M

ART UNIT

PAPER NUMBER

2819

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,308

Applicant(s)

GRUNAU, DIETER

Examiner

Khai M. Nguyen

Art Unit

2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 9 is objected to because of the abbreviation of "CCD" – it should be spelled out. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Schlosser (US 4,727,787).

Regarding claims 1 & 3, Schlosser discloses an apparatus (Figs. 1-3) which comprises two components (23b and 24) which are displaceable (Figs. 2-3) relative to one another, a position visualization unit (i.e., the measuring tape 25 of Fig. 2 or Fig. 3) which is provided on one component (outer flange 23b of Fig. 2 or 3 – col. 3, lines 45-50) of the apparatus, or on a part which is connected thereto, an image acquisition unit (camera 26) which is provided on the other component (the carriage 24 of Fig. 2 or 3) of the apparatus, or to a part which is connected thereto, in order to acquire images of a

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segment of the position visualization unit (25) which changes due to a relative motion between the components (23b and 24) of the apparatus, and an evaluation unit (22 and 26 of Figs. 1-2 – see, col. 3, lines 45-63) for extracting position information from the images.

Regarding claim 2, Schlosser discloses the apparatus of claim 1, comprising a reference mark (i.e., a cursor is provided on the camera 26 – col. 3, lines 58-63) which is visible in the images and is attached to the image acquisition unit (26).

Regarding claim 4, Schlosser discloses the apparatus of claim 1, in which a relative motion occurs which extends along a substantially straight line (Fig. 2), and which comprises a position visualization unit (25) which is arranged parallel to said straight line (23b).

Regarding claim 6, Schlosser discloses the apparatus as claimed in claim 1, comprising a position visualization unit on a tape-like carrier (i.e., the measuring tape 25 of Fig. 2 or 3 – col. 3, lines 45-50).

Regarding claim 8, Schlosser discloses the apparatus of claim 1, comprising illumination means (i.e., cursor on the camera lens) for illuminating the acquisition zone (col. 3, lines 58-63).

Regarding claim 9, Schlosser discloses the apparatus of claim 1, comprising an image acquisition unit in the form of a CCD camera (camera 26, col. 3, lines 45-50).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maehama et al. (US 5,048,070) in view of Schlosser (US 4,727,787).

The claimed invention is directed to an X-ray apparatus of Fig. 1.

Maehama et al. discloses an X-ray apparatus (see Fig. 5 and compare it to the inventive Figure 1) having an X-ray source 9 (of Fig. 2 – col. 3, line 9), wherein the X-ray apparatus comprises two components (2 and 3 of Fig. 5) which are displaceable relative to one another (Fig. 1 – 2 and 3 are movable in the longitudinal and lateral movements/ directions), and a tape-like carrier (38 of Fig. 5 as compared to the tape-like carrier or string 9 of the inventive Fig. 1) arranged along a circular line (around roller 37 of Fig. 5 – col. 8, lines 1-23). Maehama et al. lacks the recited position visualization unit, image acquisition unit, and an evaluation unit.

Schlosser discloses an apparatus (Figs. 1-3) which comprises two components (23b and 24) which are displaceable (Figs. 2-3) relative to one another, a position visualization unit (i.e., the measuring tape 25 of Fig. 2 or Fig. 3) which is provided on one component (outer flange 23b of Fig. 2 or 3 – col. 3, lines 45-50) of the apparatus, or on a part which is connected thereto, an image acquisition unit (camera 26) which is provided on the other component (the carriage 24 of Fig. 2 or 3) of the apparatus, or to a part which is connected thereto, in order to acquire images of a segment of the position visualization unit (25) which changes due to a relative motion between the components (23b and 24) of the apparatus, and an evaluation unit (22 and 26 of Figs.

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1-2 – see, col. 3, lines 45-63) for extracting position information from the images.

Therefore, the combinations of Maehama et al. and Schlosser would have been obvious to suggest the use of the position visualization unit, image acquisition unit, and an evaluation unit as taught by Schlosser on the displaceable components of Maehama et al. for accurately determining or measuring the position of the displaceable components of the X-ray apparatus.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571-272-1809. The examiner can normally be reached on 9:00 - 5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rexford (Rex) Barnie can be reached on 571-272-7492. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khai M. Nguyen
Art Unit: 2819
571-272-1809